THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.16427 OF 2006

DATED: 21-06-2007

BETWEEN

P. Nagamuni Reddy,
S/o. P. Rami Reddy,
R/o. Siripuram Colony,
Tirupathi, Chittoor District.

...PETITIONER

AND

The Commissioner for Prohibition
And Excise, Government of Andhra
Pradesh, Hyderabad and two others.

...RESPONDENTS

ORDER:

Petitioner submits that pursuant to the Gazette Notification issued under Rule 5 of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules, 2005 (for short 'the Rules') dated 27.05.2006 notifying 458 shops in Anantapur District, he became the highest bidder in respect of shop notified at Timmaiahnaidu Palem, H/o. Akrampally Village, Tirupati Urban Mandal and commenced business from 01.07.2006. Thereafter, another Gazette Notification dated 31.07.2006 was issued for re-location of shops at Sl.No.224 with locality/area at Gollavaniguanta Village, Timmaiahnaidu Palem, Tirupati Urban Mandal, in the adjacent area where petitioner established his shop. Questioning the said relocation of one more shop in Tirupati Urban Mandal by getting it from some other Mandal, petitioner filed this writ petition.

2. This Court while admitting the writ petition granted interim stay of the auction of the re-notified shops.

3. Learned Government Pleader appearing for the respondents submits that the subject matter of the writ petition is squarely covered by the judgment of this Court in W.P.No.215 of 2007 dated 01.03.2007 wherein it has been held that a shop notified in one Mandal cannot be permitted to be relocated to another Mandal as per the existing rules. If any shop is not disposed of, in one part of the Mandal, it is open for the department to take appropriate action for the sale of liquor in the said outlet of the notified area but the same cannot be permitted to be relocated outside the Mandal.

Having regard to the facts and circumstances of the case and following the aforesaid judgment, the writ petition is accordingly allowed. There shall be no order as to costs.

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V. ESWARAIAH, J

June 21, 2007
DSK